

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF No. 249, 262, 1065

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER
AUTHORITY ("PREPA")

Debtor.²

PROMESA

Title III

No. 17 BK 4780-LTS

(Joint Administration Requested)

**URGENT MOTION FOR EXTENSION OF DEADLINES
IN CONNECTION WITH THE SECOND AMENDED NOTICE,
CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The last four (4) digits of PREPA's federal tax identification number are 3747.

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) as the entity authorized to act on behalf of the Commonwealth of Puerto Rico, the Puerto Rico Sales Tax Financing Corporation, the Puerto Rico Highways and Transportation Authority, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Electric Power Authority (collectively, the “Debtors”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent motion (the “Motion”) for an extension of deadlines in connection with the *Second Amended Notice, Case Management and Administrative Procedures* (the “Second Amended Case Management Procedures”) [ECF No. 1065].³

Background

4. On May 9, 2017, the Debtors filed a motion seeking to establish certain notice, case management, and administrative procedures for the Title III cases [ECF No. 43] (the “Case Management Procedures”). On June 2, 2017, the Court entered an order approving the Case Management Procedures [ECF No. 249], which were amended by the Court on June 6, 2017, to make certain non-substantive clarifications and amendments to the procedures [ECF No. 262].

5. On August 17, 2017, the Court entered an order approving the Second Amended Case Management Procedures, which further amended the Case Management Procedures to, among other things, establish omnibus hearing dates and applicable deadlines to file pleadings for relief to be heard at such omnibus hearings [ECF No. 1065]. Specifically, Paragraph III.G of the Second Amended Case Management Procedures requires parties to file and serve pleadings

³ The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act*, has authorized AAFAF to file this Motion on behalf of the Debtors.

at least twenty-two (22) calendar days before the next applicable hearing date to be heard at such hearing.

6. On September 6, 2017, AAFAF filed the *Urgent Informative Motion Regarding Hurricane Irma And Reservation Of Rights With Respect To Upcoming Deadlines* (the “Informative Motion”) [ECF No. 1247], which “reserve[d] all rights (retroactive to September 4, 2017) with respect to all deadlines in these Title III cases, including seeking extensions of such deadlines without prejudice to AAFAF’s rights to seek further extensions.” See Informative Motion ¶ 8.

Relief Requested

7. Pursuant to Paragraph III.G of the Second Amended Case Management Procedures, the deadline to file and serve motions to be heard at the omnibus hearing scheduled for October 4, 2017, was September 12, 2017. See Second Amended Case Management Procedures ¶ III(G). Due to unforeseen circumstances in connection with Hurricane Irma, AAFAF, on behalf of the Debtors, respectfully requests a one-day extension of the deadline to file and serve pleadings to be heard at the October 4, 2017 omnibus hearing.

8. As more fully discussed in the Informative Motion, Hurricane Irma resulted in mass power outages on the island of Puerto Rico and made it extremely difficult for AAFAF to communicate with its advisors and other parties in the Title III cases. As such, AAFAF could not obtain the input necessary to finalize certain pleadings by the September 12, 2017 deadline. Specifically, AAFAF, on behalf of the Debtors, seeks to file the *Debtor Entities’ Motion to Amend Second Amended Case Management and Administrative Procedures to Further Revise Protocol for Stay Relief Motions*, which seeks to modify or lift the automatic stay with respect to any prepetition ordinary course civil action involving non-financial debt claims against a Debtor

without further order of the Court (the “Motion to Amend”), to be heard at the October 4, 2017 omnibus hearing.

9. The danger of prejudice to any parties in interest, the length of the delay in filing the Motion to Amend, and the potential impact on the Title III cases are all minimal. To further eliminate any prejudice to parties in interest, AAFAF is willing to consent to an extension of the deadline to file an objection to the Motion to Amend by one additional calendar day to September 20, 2017, so that parties in interest have the original amount of time set forth in the Second Amended Case Management Procedures to respond to the motion. For the foregoing reasons, AAFAF respectfully requests that the Court extend the deadline to file (a) the Motion to Amend to September 13, 2017, so it can be heard at the October 4, 2017 omnibus hearing and (b) any objections to the Motion to Amend to September 20, 2017 at 4:00 p.m. (Atlantic Standard Time).

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Dated: September 13, 2017
San Juan, Puerto Rico

Respectfully submitted,

/s/ Peter Friedman

John Rapisardi
Suzanne Uhland
Diana M. Perez
(Admitted *Pro Hac Vice*)
O'MELVENY & MYERS LLP
7 Times Square
New York, NY 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

-and-

Peter Friedman
(Admitted *Pro Hac Vice*)
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Tel: (202) 383-5300
Fax: (202) 383-5414

*Attorneys for the Puerto Rico Fiscal Agency
and Financial Advisory Authority*

/s/ Andrés W. López

Andrés W. López
USDC No. 215311

THE LAW OFFICES OF
ANDRÉS W. LÓPEZ, P.S.C.
902 Fernández Juncos Ave.
San Juan, PR 00907
Tel: (787) 294-9508
Fax: (787) 294-9519

*Co-attorney for the Puerto Rico Fiscal
Agency and Financial Advisory Authority*